

MESSAGE NO: 5117302 MESSAGE DATE: 04/27/2015

MESSAGE STATUS: Active CATEGORY: Antidumping

TYPE: LIQ-Liquidation PUBLIC ☒ NON-PUBLIC ☐

SUB-TYPE: ALIWE-Auto Liq Exception

FR CITE: FR CITE DATE:

REFERENCE 4100308, 5069302, 5071302,
MESSAGE # 5082301, 5113302
(s):

CASE #(s): A-412-201

EFFECTIVE DATE: 05/01/2010 COURT CASE #: 06-334

PERIOD OF REVIEW: 05/01/2010 TO 04/30/2011

PERIOD COVERED: TO

Notice of Lifting of Suspension Date: 04/27/2015

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: Automatic liquidation instruction for ball bearings and parts thereof from the United Kingdom for the period 05/01/2010 through 04/30/2011 (A-412-201)

Notice of the lifting of suspension occurred on the message date of these instructions. See paragraph 1 below.

1. The Court of Appeals for the Federal Circuit (CAFC) made its decision in *NSK Corp. v. United States International Trade Commission*, Court No. 06–334, Slip Op. 2013–143 (CIT November 18, 2013), which became final and conclusory on February 22, 2014. These instructions constitute notice of the lifting of suspension of liquidation of entries of subject merchandise covered by paragraph 3, below. Accordingly, notice of the lifting of suspension occurred on the message date of these instructions. The antidumping duty order on ball bearings and parts thereof from the United Kingdom was revoked, effective 09/15/2011 (see message 4100308 dated 04/10/2014).

2. Commerce does not automatically conduct administrative reviews of antidumping duty orders. Instead, reviews must be requested pursuant to section 751(a)(1) of the Tariff Act of 1930, as amended, and in accordance with 19 CFR 351.213.

3. Commerce has not received a request for an administrative review of the antidumping duty order for the period and on the merchandise identified below except for the firms listed in paragraph 4. Therefore, in accordance with 19 CFR 351.212(c), you are to liquidate all entries for all firms, and assess antidumping duties on merchandise entered, or withdrawn from warehouse, for consumption at the cash deposit or bonding rate in effect on the date of entry, unless paragraphs 4 or 5 apply:

Product: Ball Bearings and Parts Thereof

Country: The United Kingdom

Case number: A-412-201

Period: 05/01/2010 – 04/30/2011

4. Entries of merchandise produced and/or exported by the firms listed below, and entered, or withdrawn from warehouse, for consumption during the period 05/01/2010 through 04/30/2011

should be liquidated pursuant to the following messages unless paragraph 5 applies:

Company: NSK Bearings Europe Ltd.

Case number: A-412-201-010

Message: 5071301 dated 03/12/2015

Company: Bayerische Motoren Werke AG

Case number: A-412-201-000

Message: 5082301 dated 03/23/2015

Company: Bosch Rexroth Limited

Case number: A-412-201-000

Message: 5071302 dated 03/12/2015

Company: Caterpillar S.A.R.L.

Case number: A-412-201-000

Message: 5071302 dated 03/12/2015

Company: Caterpillar Group Services S.A.

Case number: A-412-201-000

Message: 5071302 dated 03/12/2015

Company: Caterpillar of Australia Pty Ltd.

Case number: A-412-201-000

Message: 5071302 dated 03/12/2015

Company: Caterpillar Overseas S.A.R.L.

Case number: A-412-201-000

Message: 5071302 dated 03/12/2015

Company: Caterpillar Marine Power UK

Case number: A-412-201-000

Message: 5071302 dated 03/12/2015

Company: Perkins Engines Company Ltd.

Case number: A-412-201-000

Message: 5071302 dated 03/12/2015

Company: SKF (UK) Limited SNFA Operations

Case number: A-412-201-015 (may have entered under A-412-201-012)

Message: 5113302 dated 04/23/2015

Company: SKF UK Limited Stonehouse Operations

Case number: A-412-201-012 (may have entered under A-412-201-015)

Message: 5113302 dated 04/23/2015

5. There is an injunction applicable to entries which were the subject of Commerce's determination in Ball Bearings and Parts Thereof From Japan and the United Kingdom: Final Results of Antidumping Duty Administrative Reviews; 2010-2011, 80 FR 4248 (January 27, 2015), as amended in Ball Bearings and Parts Thereof From the United Kingdom: Amended Final Results of Antidumping Duty Administrative Review; 2010-2011, 80 FR 9694 (February 24, 2015); were entered, or withdrawn from warehouse, for consumption between May 1, 2010 through April 30, 2011 by BMW of North America LLC; and were exported to the United States by Bayerische Motoren Werke AG (Message 5069302 dated 03/10/2015). Continue to suspend liquidation of these entries until liquidation instructions are issued.

6. The assessment of antidumping duties by CBP on shipments or entries of this merchandise is subject to the provisions of section 778 of the Tariff Act of 1930, as amended. Section 778 requires that CBP pay interest on overpayments or assess interest on underpayments of the required amounts deposited as estimated antidumping duties. The interest provisions are not applicable to cash or bonds posted as estimated antidumping duties before the date of publication of the antidumping duty order. Interest shall be calculated from the date payment of estimated antidumping duties is required through the date of liquidation. The rate at which such interest is payable is the rate in effect under section 6621 of the Internal Revenue Code of 1954 for such period.

7. Upon assessment of antidumping duties, CBP shall require that the importer provide a reimbursement statement, as described in section 351.402(f)(2) of Commerce's regulations. The importer should provide the reimbursement statement prior to liquidation of the entry. If the importer certifies that it has an agreement with the producer, seller, or exporter to be reimbursed antidumping and/or countervailing duties, CBP shall double the antidumping duties and/or increase the antidumping duty by the amount of the countervailing duties in accordance with the above-referenced regulation. Additionally, if the importer does not provide the reimbursement statement prior to liquidation, reimbursement shall be presumed and CBP shall double the antidumping duties due. If an importer timely files a protest challenging the presumption of reimbursement and doubling of duties, consistent with CBP's protest process, CBP may accept

the reimbursement statement filed with the protest to rebut the presumption of reimbursement.

8. If there are any questions by the importing public regarding this message, please contact the Call Center for the Office of AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce at (202) 482-0984. CBP ports should submit their inquiries through authorized CBP channels only. (This message was generated by OI:TES)

9. There are no restrictions on the release of this information.

Michael B. Walsh

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party